

# CITY OF NEWPORT

## DOCKET OF THE COUNCIL

*The following items of business, filed with the City Clerk under the rules of the Council, will come before the Council at its regular meeting to be held on December 9, 2009, at 6:30 p.m.*

### PLEDGE OF ALLEGIANCE TO THE FLAG

#### **CITIZEN'S FORUM:** (Speakers must sign in with the City Clerk)

The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes.** Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **PUBLIC HEARING:** Proposed amendment to Chapter 17.80 of the Codified Ordinances, entitled, "Historic District Commission," to reduce the regular members from nine to seven and increase the number of auxiliary members from one to two.
  - a. Recommendation of the Planning Board
  - b. Ordinance Amending Section 17.80.040 of the Codified Ordinances, entitled, "Membership and Appointment," paragraphs B-1 and B-3 (First Reading)
2. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
  - a. Minutes of the November 18, 2009, Council Meeting (Approve)
  - b. Special Event Licenses:
    - 1) Lower Thames Business Assoc., d/b/a "Lower Thames Holiday Stroll"; various courtyards along Lower Thames St., December 12 – 13, 2009, from 12 Noon to 6:00 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all applications and communications, can be viewed on the City of Newport website: [www.cityofnewport.com](http://www.cityofnewport.com) – "Current Newport City News & Announcements" – Click on "MORE NEWS." Council Meeting can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting is also available at the Newport Public Library within 48 hrs. of the meeting.

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- 2) Newport Music Festival & Friends of Jane Pickens Theater, d/b/a “In Search of Beethoven” fundraiser; Jane Pickens Theater, 49 Touro St., December 14, 2009, from 6:00 p.m. to 9:00 p.m.
  - 3) Rose Island Lighthouse Foundation, d/b/a Holiday Party/Fundraiser; Newport Harbor Center (Armory), 365 Thames St., December 18, 2009, from 5:30 p.m. to 8:30 p.m.
  - 4) Royal Arts Foundation, d/b/a New Year’s Eve Ball; Belcourt Castle, 657 Bellevue Ave., December 31, 2009, from 7:00 p.m. to 1:00 a.m.
  - 5) Stage Door Dance, Inc., d/b/a Dance Recital; Rogers High School, June 24 and 26, 2010, from 4:00 p.m. to 11:00 p.m.
- c. Banner License, Lower Thames Business Assoc.; to hang over Thames St., between the Red Parrot and Salas’ Restaurant, December 10 – 13, 2009, promoting the Lower Thames Holiday Stroll.
  - d. Catering License, New, Plumb, Inc., d/b/a Brick Alley Pub & Restaurant, 140 Thames St.
  - e. Catering License, Renewal, Sharon Goetz, d/b/a Café Bellevue, 111 Bellevue Ave.
  - f. Daily Entertainment License, Club 200, Inc., d/b/a The Café (Café 200), 200 Broadway; January 9, 2010, from 6:00 p.m. to 10:00 p.m.
  - g. Drain Layer License, Renewal, J.A.M. Construction Co. Inc., 1700 West Main Road, Middletown, RI.
  - h. Arcade License, O’Brien Music Co., d/b/a Ryan Family Amusements, 268 Thames St.
  - i. Mechanical Amusement Device License, Renewals:
    - 1) Atlas Vending, Inc. (pool table)
    - 2) El Dee Vending Corp. (8 games)
    - 3) Fastnet, Inc. (pool table)

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- 4) Hillside & Cappy, Inc. (pool table)
- 5) Newport Music Co. (total of 95 games, jukeboxes, pool tables at various locations)
  
- j. Private Detective License, New, Brian C. O'Brien, Investigative Consultant Services, LLC, 2 Marlborough St.
  
- k. Communication from Dennis P. Sullivan, Chairman, Newport St. Patrick's Day Parade Committee, asking permission to issue vendor permits for the Annual St. Patrick's Day Parade on March 13, 2010. (Approve subject to details being worked out with the city administration.)
  
- l. Resignation of Anne Everson from the Energy and Environment Commission (Receive with regret)
  
- m. Annual Report of Newport Accessibility Advisory Committee (Receive)
  
- n. Claims: (Receive and refer to City Solicitor)
  - 1) Dianna Odell
  - 2) Elsie Rivera, by attorney

### **LICENSES AND PERMITS**

- 3. Annual Victualing License Renewal, Compass Two, LLC, d/b/a Canteen @ CCRI, 1 John H. Chafee Blvd.
  
- 4. Victualing License, New, Marina Café, LLC, d/b/a Marina Café, 3 Marina Plaza , first floor and outdoor deck and patio (in conjunction with transfer of Class BV alcoholic beverage license)
  
- 5. Victualing License, New, Tallulah, LLC, d/b/a Tallulah on Thames, 464 Thames St., first and second floors (in conjunction with transfer of Class BL alcoholic beverage license)
  
- 6. Victualing License, New, Diego's Newport, LLC, d/b/a Diego's, 11 Bowen's Wharf, first floor and outdoor patio areas (in conjunction with transfer of Class BV alcoholic beverage license)

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7. Victualing License, New, Vanderbilt Hall, LLC, d/b/a Vanderbilt Hall, 41 Mary St., hotel and outdoor terrace (in conjunction with transfer of Class BT alcoholic beverage license)
8. Victualing License, New, The Pier of Newport, LLC, d/b/a The Pier, West Howard Wharf, first floor, and outdoor patio on the west side of building with service from 11:30 a.m. to 1:00 a.m. from April 1 through September 30; in conjunction with transfer of Class BV alcoholic beverage license)
9. Catering License, New, Vanderbilt Hall, LLC, d/b/a Vanderbilt Hall, 41 Mary St.
10. Entertainment License, Class A, Vanderbilt Hall, LLC, d/b/a Vanderbilt Hall, 41 Mary St. (in conjunction with transfer of alcoholic beverage license)
11. Entertainment License, New, Class A and B, The Pier of Newport, LLC, d/b/a The Pier, West Howard Wharf (current restrictions: outside entertainment permitted April 1 through September 30 from 10:30 a.m. to 11:00 p.m., Sunday through Thursday, and to midnight on Fridays and Saturdays and Sundays of holiday weekends; in conjunction with transfer of Class BV alcoholic beverage license; in conjunction with transfer of alcoholic beverage license)

### **COMMUNICATIONS AND PETITIONS**

12. Communication from the City Solicitor, re: Proposed Amendments to the Historic District Zoning Ordinance.
13. Communication from the Ad Hoc Committee on Wastewater and Stormwater System Improvements, re: Semi-annual Report.

### **14. BOARDS AND COMMISSIONS**

Vacancies currently or soon will exist on the following boards and commissions: Affirmative Action Commission, Beach Commission, Building Code Board of Appeals, Historic District Commission, Juvenile Hearing Board, Personnel Appeals Board, Planning Board, Board of Tax Appeals, Tree and Open Space Commission, Redevelopment Agency, and the Zoning Board of Review. Interested residents can obtain applications on the City's web page or by contacting the Mayor's Office.

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### **RESOLUTIONS**

15. 2010 Regular Council Meetings
16. Opposing the location of a Liquefied Natural Gas Facility in Mount Hope Bay  
– S. Waluk
17. Navy Hospital – K. Leonard

### **ORDINANCES**

18. Amending Title 2 of the Codified Ordinances, entitled, “Administration,” to correspond with various changes to the Newport City Charter. (Second Reading)
19. Amending Chapter 10.40.010 of the Codified Ordinances, entitled, “Isolated Stop Signs,” to eliminate the stop sign on Third Street at Cherry Street (Second Reading)
20. Amending 12.28 of the Codified Ordinances, entitled, “City Harbor,” Sections 12.28.010, “Harbor Master/Harbor Coordinator-Duties-Rules and Regulations, and Section 12.28.130, Harbor Rules and Regulations, to reflect Department of Economic Development, and to implement a one-time deposit of \$25 for placement on the waiting list for a mooring, and an annual \$10 mooring waiting list renewal fee. (Second Reading)

### **COMMUNICATIONS FROM THE CITY MANAGER**

21. Communication #4609 /09, re: Harbor Management Plan Amendment (with accompanying resolution)
22. Communication #4610 /09, re: Bid Award for Perrotti Park Dredging (with accompanying resolution)
23. Communication #4611 /09, re: RI Department of Transportation Utility Easement for Railroad Interceptor Sanitary Sewer Line Maintenance (with accompanying resolution)

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24. Communication #4612 /09, re: Bid Award for Water Distribution System Improvements at Multiple Locations (with accompanying resolution)
25. Communication #4613/09, re: Amendment #1 to Contract #08-062, Engineering Services – Water Distribution System Improvements (with accompanying resolution)
26. Communication #4614/09, re: RI Local Equity Aid Program – City of Newport/RIDOT Project Agreement (with accompanying resolution)
27. Communication #4615 /09, re: Hazard Road at Gooseneck Cove – Seasonal Road Closure (with accompanying resolution)
28. Communication #4616 /09, re: Music Performance Licensing Agreement (with accompanying resolution)
29. Communication #4617 /09, re: National Recreation & Park Assoc. “Healthy Communities” Grant Application and Establishment of “Health Newport 2010” Partnership (with accompanying resolutions)
30. Communication #4618 /09, re: Easton’s Beach Seaweed Harvester – Status Report
31. Communication #4619/09, re: re: Standard & Poor’s Bond Rating
32. Communication #4620/09, re: Design Build Improvements to Water Treatment Plants – Legal Services (with accompanying resolution)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS.

## **BOARD OF LICENSE COMMISSIONERS**

1. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
  - a. Application for a Class F Daily Liquor License, Rose Island Light House, d/b/a Holiday Party/Fundraiser; 365 Thames St., December 18, 2009, from 5:30 p.m. to 8:30 p.m.
  - b. Communication from Brad Cherevaty, Managing Member, 2paddysandacanuck, LLC, d/b/a , Jack and Josies, 111 Broadway, re: change of d/b/a to The Fifth Element (Receive and make part of the license record)
  - c. Communication from Patrick M. Dugan, President, Club 200, Inc., d/b/a Café 200, re: change of d/b/a to The Café. (Receive and make part of the license record)
  - d. Communication from Gregory F. Fater, Esq., re: Five Tempus Ltd., d/b/a O'Brien's Pub, re: transfer of 25% interest in the corporation. (Receive and make part of the license record)

## **LICENSES AND PERMITS**

2. Application of IDC Clambakes, Inc., d/b/a The Newport Regatta Club, 5 Marina Plaza, to transfer its Class BV alcoholic beverage license to Marina Café, LLC, d/b/a Marina Café, at 3 Marina Plaza, first floor, and outdoor patio. (Hearing)
3. Application of MBK, LLC, d/b/a Pour Judgement, 32-34 Broadway, first floor, to transfer 50% of LLC membership , from Mark Mashow to Harry Whitin, Kevin Sullivan and Gary Borges (33.3% membership each) (Hearing)

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4. Application of West End Harbor, Inc., d/b/a Pronto Restaurant, 464 Thames St., first and second floors, to transfer its Class BL alcoholic beverage license to Tallulah, LLC, d/b/a Tallulah on Thames, for the same premises. (Hearing)
5. Application of ACOL Enterprises, LLC, Long Wharf, to transfer its Class BV alcoholic beverage license to Diego's Newport, LLC, d/b/a Diego's, 11 Bowen's Wharf, first floor, and outdoor patios. (Hearing)
6. Application of VH Holdings, Inc., d/b/a Vanderbilt Hall, 41 Mary Street, hotel and outdoor terrace, to transfer its Class BT alcoholic beverage license to Vanderbilt Hall, LLC, d/b/a Vanderbilt Hall, for the same premises. (Hearing)
7. Application of N.A.J. Associates, Inc., d/b/a (Vincent's on) The Pier, West Howard Wharf, first floor, outdoor patio on the west side of the building, transfer its Class BV alcoholic beverage license to the Pier of Newport, LLC, d/b/a The Pier, for the same premises. (Hearing)

ADJOURN

Kathleen M. Silvia  
City Clerk

December 2, 2009